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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/641,553	08/17/2000	YI-MIN WANG	1018.050US3	6337

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EXAMINER

NAJJAR, SALEH

ART UNIT PAPER NUMBER

2157

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/641,553

Applicant(s)

WANG ET AL.

Examiner

Saleh Najjar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 November 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7,8,10,13 and 18-31 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 7,8,10,13 and 18-31 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/02/2004.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

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1. This action is responsive to the request for continued examination filed on November 2, 2004. Claims 7, 13, 18-20, and 22-23 were amended. Claims 7, 8, 10, 13, and 18-31 are pending.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-8, 20-21, 25-26, 28 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Margulis et al., U.S. Patent No. 6,223,149.

Margulis teaches the invention as claimed including a redundant organization of Lan Emulation Servers (see abstract).

As to claim 7, Margulis teaches a distributed system including a plurality of redundant components, a method for performance by a node first redundant component, comprising:

transmitting information particular to the first component to other components in the plurality of components, the information relating to one or more criteria according to

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which a currently-active leader component is to be determined (see col. 8, lines 1-15, Lan emulation client servers initializes by attempting to establish connections to all lan emulation servers, one of the LES is made the active);

receiving information from the other components particular to the other components and relating to the one or more criteria by according to which the currently active leader node component is to be determined (see col. 9, lines 15-25, each LES having one or more LECs connected to it periodically sends an active LEC message informing them that at least one LECS has chosen it to be the active LES); and

determining whether the first participant is the currently active leader component by comparing the information particular to the first component with the information particular to the other redundant components (see col. 8, lines 15-35, the LES is periodically contacted to confirm that is the currently active LES).

wherein if the first component determines that it is not the currently-active leader component- the first component does not know which component of the other components is the currently-active leader component (see col. 8-9, Margulis discloses that the LES does not know which other Les is currently active leader component).

As to claim 8, Margulis teaches the method of claim 7, further comprising periodically repeating the method (see col. 8, line 15; col. 9, line 15-20).

Claims 20-21 do not teach or define any new limitations above claims 7-8 and therefore are rejected for similar reasons.

As to claims 25-26, 29, and 31, Margulis teaches the method of claim 20 above wherein the redundant components are redundant instances of a daemon, wherein the daemon is a system management daemon, wherein the redundant components are redundant executing processes, and wherein the redundant components are redundant nodes in a network (see col. 8-10).

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5. Claims 10, 13, and 18-19, 22-24, 27, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Margulis.

Margulis teaches the invention substantially as claimed including a redundant organization of Lan Emulation Servers (see abstract).

As to claim 10, Margulis teaches the method of claim 7, wherein the transmitting the information particular to the first component comprises transmitting priority information particular to the first component, and the receiving the information particular to the other components comprises receiving priority information particular to the other components (see col. 8, lines 50-65; col. 9, lines 1-40, Margulis discloses that upon a split or re-synch, the node with the highest priority or the node with which a connection was up last is chosen).

Margulis fails to teach the claimed limitation of age information. Margulis does teach that the node with which the connection was longest is chosen as the currently active component (see col. 8, lines 50-65; col. 9, lines 1-40).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Margulis by specifying the priority information as age information since the same functionality of choosing the node with the longest recent connection is achieved.

As to claim 13, Margulis teaches a system comprising:

a plurality of redundant components; and a currently-active leader component elected from the plurality of redundant components by way of a high priority election approach (see col. 8-11).

Margulis does not explicitly teach the limitation of a weak leader election approach. Margulis does teach that the node with which the connection was longest is chosen as the currently active component (see col. 8, lines 50-65; col. 9, lines 1-40).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Margulis by specifying the priority election approach as a weak leader election approach since the same functionality of choosing the node with the longest recent connection or highest priority is achieved.

As to claim 18, Margulis teaches the method of claim 10 wherein the determining whether the first component is the currently active leader component comprises determining whether the first component is an oldest component (see col. 8, lines 50-65; col. 9, lines 1-40).

As to claim 19, Margulis teaches the system of claim 13 wherein the currently active leader component elected by way of the weak leader election approach comprises an oldest component in the plurality of components (see col. 9, lines 1-40).

Claims 22-24 do not teach or define any new limitations above claims 10, 13, 18-19 and therefore are rejected for similar reasons.

As to claims 27, and 29-30, Margulis teaches the method of claim 25.

Margulis fails to teach the limitation wherein the daemon is a power line monitoring daemon, wherein the redundant components are class objects, wherein the redundant components are redundant devices in an automation system.

However, "Official Notice" is taken that the concept and advantages of using daemon processes or agent processes to monitor a power line, wherein the redundant components are class objects, wherein the redundant components are redundant devices in an automation system are old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Margulis by specifying a power line monitoring daemon, class objects, wherein the redundant components are redundant devices in an automation system to provide back up in case of network failure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (571)272-4006. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Saleh Najjar', with a stylized, cursive script.

Saleh Najjar  
Primary Examiner / Art Unit 2157